# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. State Engineer

Plaintiff,

69cv07941-BB

VS.

RIO CHAMA STREAM SYSTEM

ROMAN ARAGON, et al.,

Defendants.

Section 5, Rio Gallina

# PROOF OF PUBLICATION OF NOTICE AND ORDER TO SHOW CAUSE

COMES NOW plaintiff State of New Mexico, *ex rel*. State Engineer, and hereby files proof of publication of the Notice and Order to Show Cause issued by the United States District Court in connection with the determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System.

Attached as Exhibit 1 is the Affidavit of Publication signed by Robert Trapp, publisher of the Rio Grande Sun.

DATED: October 31, 2007

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE Special Assistant Attorney General Office of State Engineer P.O. Box 25102 Santa Fe, NM 87504-5102 (505) 867-7444

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the <u>31th</u> day of October, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE

## Affidavit of Publication

State of New Mexico County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the publisher of the Rio Grande SUN, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for

\_\_\_\_\_consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

4th day of October 2007

and the last publication on the 25<sup>th</sup> day of

October, 2007 payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

### Payment received at Rio Grande SUN

Publisher's Bill

<u> 38</u> lines <u>3</u> times at <u>691.</u>20

\_\_lines one time at 26%.  $^{80}$ 

Affidavit 5.00

Subtotal\_965.00

72.38

Date 9 27 07

By Ilalia lup

Subscribed and sworn to before me this 25-1

day of Oct A.D. 2007

Maria V. Lopez-Garcia/Notary Public My commission expires 13 July 2009

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO.

STATE OF NEW MEXICO, ex rel. State Engineer Plaintiff, 69cv07941-BB vs. RIO CHAMA STREAM SYSTEM ROMAN ARAGON, et al., Section 5, Rio Gallina Defendants.

NOTICE AND ORDER TO SHOW CAUSE

| NOTIC<br>TO ALL CLAIMANTS, KNOWN AND UNKNOWN      | CE AND ORDER TO SHOW CAUSE  I, WHO CLAIM A RIGHT TO USE SURFACE WATERS OF THE RIO CHAMA  RIGHT TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO  COTDEAN EXCEPT. SECTION 5 (RIO GALLINA) AND WHOSE NAMES AP |
|---|---|
| USE SURFACE WATERS OF THE HIO CHAMA               | STREAM SYSTEM, SECTION 5 (RIO GALLINA), AND WHOSE NAMES AP  |
| PEAR BELOW:<br>DEFENDANT                          | ACEOUIA OR DITCH PRIORITY   |
| Helen Vigil                                       | Vigiles Ditch   |
| Julian Viğil                                      | Vigiles Ditch 1876<br>Vigiles Ditch 1876  |
| Linda Vigil<br>Mary Vigil                         | Vigiles Ditch 1876  |
| Olivia Vigil                                      | Vigiles Ditch 1876<br>Vigiles Ditch 1876  |
| Robert M. Vigil                                   | Vigiles Ditch Rincon Ditch 1876   |
| Atilana Jacquez<br>Cosme S. Chacon                | Rincon Ditch 1876   |
| Jose L. Chacon                                    | Rincon Ditch 1876   |
| Levi A. Sanchez<br>Lucinda Chacon                 | Rincon Ditch 1876   |
| Mary Sanchez                                      | Rincon Ditch  |
| Rodger F. Corrales                                | Rincon Ditch Rincon Ditch 1876  |
| Rosalie F. Wilson<br>Ubaldo Jacquez               | Rincon Ditch  |
| Alice Jacquez                                     | Placitas Ditch 1876   |
| Alvin N. Jacquez<br>Arcelia Chacon                | Placitas Ditch 1876<br>Placitas Ditch 1876  |
| Cosme L. Chacon                                   | Placitas Ditch  |
| Dorothy Jacquez                                   | Placitas Ditch 1876<br>Placitas Ditch 1876  |
| Eddie Garcia<br>Faye Davis                        | Placitas Ditch 1876   |
| Fulgencio Jacquez                                 | Placitas Ditch 1876 Placitas Ditch 1876   |
| Herman Jacquez                                    | Placitas Ditch Placitas Ditch 1876 1876   |
| Jose L. Chacon<br>Jose Z. Chacon                  | Placitas Ditch  |
| Juanita A. Jacquez                                | Placitas Ditch 1876 Placitas Ditch 1876   |
| Lucinda Chacon<br>Mary Ann Jacquez                | Placitas Ditch 1876   |
| Max A. Martinez                                   | Placitas Ditch  |
| Neives Martinez                                   | Placitas Ditch 1876 Placitas Ditch 1876   |
| Pauline Jacquez<br>Reina Maestas                  | Placitas Ditch 1876   |
| Roger Jacquez                                     | Placitas Ditch 1876 Placitas Ditch 1876   |
| Rosalie F. Wilson                                 | Placitas Ditch 1876 Placitas Ditch 1876   |
| Tommy F. Chacon<br>Abram Cordova                  | Sanchez-Maestas Ditch 1876  |
| Faye Davis  | Sanchez-Maestas Ditch 1876<br>Sanchez-Maestas Ditch 1876  |
| Julian Vigil<br>Mary Vigil                        | Sanchez-Maestas Ditch 1876  |
| Robert M. Vigil                                   | Sanchez-Maestas Ditch 1876  |
| Abram Cordova                                     | Cordova-Martinez Ditch 1878 Cordova-Martinez Ditch 1878   |
| Alfirio Maestas<br>Alice Jacquez                  | Cordova-Martinez Ditch 1878   |
| Alice Madrid                                      | Cordova-Martinez Ditch 1878 Cordova-Martinez Ditch 1878   |
| Amanda Gonzales<br>Andrew J. Leyba                | Cordova–Martinez Ditch 1878   |
| Anthony Leyba                                     | Cordova-Martinez Ditch 1878   |
| Antonette B. Lovato                               | Cordova–Martinez Ditch 1878 Cordova–Martinez Ditch 1878   |
| Aurelia Chavez<br>Bonifacio W. Gonzales           | Cordova–Martinez Ditch 1878   |
| Cassilda Jacquez Serrano                          | Cordova–Martinez Ditch 1878 Cordova–Martinez Ditch 1878   |
| Clement L. Suazo<br>Cristobal Jacquez             | Cordova-Martinez Ditch 1878   |
| David Chavez                                      | Cordova–Martinez Ditch  |
| Delfin Jacquez                                    | Cordova-Martinez Ditch 1878   |
| Diana Suazo<br> Edward Leyba                      | Cordova–Martinez Ditch 1878   |
| Eliseo Jacquez                                    | Cordova–Martinez Ditch 1878 Cordova–Martinez Ditch 1878   |
| Estate of Odella Lovato<br>Eugenio Sanchez Estate | Cordova-Martinez Ditch 1878   |
| Ezeguiel Cordova                                  | Cordova–Martinez Ditch  |
| Frank Jacquez                                     | Cordova–Martinez Ditch 1878   |
| Gabriel Maestas, Jr.<br>Genevieve M. Velasquez    | Cordova–Martinez Ditch 1878   |
| Gilbert Jacquez                                   | Cordova-Martinez Ditch 1878 Cordova-Martinez Ditch 1878   |
| Isabel Lucero<br>Jacobo Arellano                  | Cordova–Martinez Ditch 1878   |
| Joe Velasquez                                     | Cordova–Martinez Ditch 1878   |
| Johnny A. D. Lovato                               | Cordova-Martinez Ditch 1878   |
| Jose P. Chavez<br>Juan C. Chavez                  | Cordova Martinez Ditch 1878   |
| Julie Pederson                                    | Cordova–Martinez Ditch 1878<br>Cordova–Martinez Ditch 1878  |
| L. Marisa Rodriguez<br>Laura A. Velasquez         | Cordova Martinez Ditch 1878   |
| Leora Jacquez Lucero                              | Cordova–Martinez Ditch  |
| Luis Toby Velasquez                               | Cordova-Martinez Ditch 1878   |
| Marino Jacquez<br>Martha Cordova                  | Cordova-Martinez Ditch 1878   |
| Mary Ann Maestas                                  | Cordova–Martinez Ditch 1878<br>Cordova–Martinez Ditch 1878  |
| Mary L. Espinoza                                  | Cordova-Martinez Ditch 1878   |
| Max Maestas<br>Mike Jacquez                       | Cordova–Martinez Ditch  |
| Monica T. Rodriguez                               | Cordova-Martinez Ditch 1878   |
| Orlando Madrid<br>Patrick Rodriguez               | Cordova-Martinez Ditch 1878   |
| Patsy L. Chavez                                   | Cordova–Martinez Ditch  |
| Philip Jacquez                                    | Cordova-Martinez Ditch 1878   |
| Piedad Chavez<br>Ramona Jacquez Estate            | Cordova-Martinez Ditch  |
| Im.   | Cordova-Martinez Ditch 1878   |

| I Alvin N. Jacquez                                  | Placitas Ditch                                   | 1876                          |
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| Arcelia Chacon<br>Cosme L. Chacon 6:69-cv-07941-KWR | Placitas Ditch                                   | Filed 10/21/07 Dags F of 7    |
| Cosme L. Chabon 0.09-CV-U/941-KVVR                  |  |                               |
| Dorothy Jacquez Eddie Garcia                        | Placitas Ditch<br>Placitas Ditch                 | 1876<br>1876                  |
| Faye Davis  | Placitas Ditch                                   | 1876                          |
| Fulgencio Jacquez                                   | Placitas Ditch                                   | 1876                          |
| Herman Jacquez                                      | Placitas Ditch                                   | 1876                          |
| Jose L. Chacon<br>Jose Z. Chacon                    | Placitas Ditch<br>Placitas Ditch                 | 1876<br>1876                  |
| Juanita A. Jacquez                                  | Placitas Ditch                                   | 1876                          |
| Lucinda Chacon                                      | Placitas Ditch                                   | 1876                          |
| Mary Ann Jacquez<br>Max A. Martinez                 | Placitas Ditch<br>Placitas Ditch                 | 1876<br>1876                  |
| Neives Martinez                                     | Placitas Ditch                                   | 1876                          |
| Pauline Jacquez                                     | Placitas Ditch                                   | 1876                          |
| Reina Maestas                                       | Placitas Ditch                                   | 1876                          |
| Roger Jacquez<br>Rosalie F. Wilson                  | Placitas Ditch Placitas Ditch                    | 1876<br>1876                  |
| Tommy F. Chacon                                     | Placitas Ditch                                   | 1876                          |
| Abram Cordova                                       | Sanchez-Maestas Ditch                            | 1876                          |
| Faye Davis<br>Julian Vigil                          | Sanchez-Maestas Ditch<br>Sanchez-Maestas Ditch   | 1876<br>1876                  |
| Mary Vigil  | Sanchez-Maestas Ditch                            | 1876                          |
| Robert M. Vigil                                     | Sanchez-Maestas Ditch                            | 1876                          |
| Abram Cordova                                       | Cordova-Martinez Ditch                           | 1878                          |
| Alfirio Maestas Alice Jacquez                       | Cordova–Martinez Ditch Cordova–Martinez Ditch    | 1878<br>1878                  |
| Alice Madrid  | Cordova-Martinez Ditch                           | 1878                          |
| Amanda Gonzales                                     | Cordova-Martinez Ditch                           | 1878                          |
| Andrew J. Leyba<br>Anthony Leyba                    | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Antonette B. Lovato                                 | Cordova-Martinez Ditch                           | 1878                          |
| Aurelia Chavez                                      | Cordova-Martinez Ditch                           | 1878                          |
| Bonifacio W. Gonzales                               | Cordova-Martinez Ditch                           | 1878                          |
| Cassilda Jacquez Serrano<br>Clement L. Suazo        | Cordova–Martinez Ditch<br>Cordova–Martinez Ditch | 1878<br>1878                  |
| Cristobal Jacquez                                   | Cordova-Martinez Ditch                           | 1878                          |
| David Chavez  | Cordova-Martinez Ditch                           | 1878                          |
| Delfin Jacquez<br>  Diana Suazo                     | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Edward Leyba  | Cordova-Martinez Ditch                           | 1878                          |
| Eliseo Jacquez                                      | Cordova-Martinez Ditch                           | 1878                          |
| Estate of Odella Lovato Eugenio Sanchez Estate      | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Ezequiel Cordova                                    | Cordova-Martinez Ditch                           | 1878                          |
| Frank Jacquez                                       | Cordova-Martinez Ditch                           | 1878                          |
| Gabriel Maestas, Jr.<br>Genevieve M. Velasquez      | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Gilbert Jacquez                                     | Cordova-Martinez Ditch                           | 1878                          |
| Isabel Lucero                                       | Cordova-Martinez Ditch                           | 1878                          |
| Jacobo Arellano                                     | Cordova Martinez Ditch                           | 1878                          |
| Joe Velasquez<br>Johnny A. D. Lovato                | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Jose P. Chavez                                      | Cordova-Martinez Ditch                           | 1878                          |
| Juan C. Chavez                                      | Cordova-Martinez Ditch                           | 1878                          |
| Julie Pederson<br>L. Marisa Rodriguez               | Cordova–Martinez Ditch Cordova–Martinez Ditch    | 1878<br>1878                  |
| Laura A. Velasquez                                  | Cordova-Martinez Ditch                           | 1878                          |
| Leora Jacquez Lucero                                | Cordova-Martinez Ditch                           | 1878                          |
| Luis Toby Velasquez Marino Jacquez                  | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Martha Cordova                                      | Cordova-Martinez Ditch                           | 1878                          |
| Mary Ann Maestas                                    | Cordova-Martinez Ditch                           | 1878                          |
| Mary L. Espinoza<br>Max Maestas                     | Cordova–Martinez Ditch Cordova–Martinez Ditch    | 1878<br>1878                  |
| Mike Jacquez  | Cordova-Martinez Ditch                           | 1878                          |
| Monica T. Rodriguez                                 | Cordova-Martinez Ditch                           | 1878                          |
| Orlando Madrid<br>Patrick Rodriguez                 | Cordova Martinez Ditch                           | 1878<br>1878                  |
| Patsy L. Chavez                                     | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878                          |
| Philip Jacquez                                      | Cordova-Martinez Ditch                           | 1878                          |
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| Ramona Jacquez Estate Ramoncita Maestas             | Cordova-Martinez Ditch Cordova-Martinez Ditch    | 1878<br>1878                  |
| Raymond Suazo                                       | Cordova-Martinez Ditch                           | 1878                          |
| Richard Cordova                                     | Cordova Martinez Ditch                           | 1878                          |
| Rita Jacquez<br>Rogelio Corrales                    | Cordova–Martinez Ditch Cordova–Martinez Ditch    | 1878<br>1878                  |
| Ronald Chavez                                       | Cordova-Martinez Ditch                           | 1878                          |
| Sam Chavez  | Cordova-Martinez Ditch                           | 1878                          |
| Selustriano Gonzales, Sr.                           | Cordova-Martinez Ditch                           | 1878<br>Continued to page C25 |
|   |  | Continued to page 025         |

### **Affidavit of Publication**

State of New Mexico County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the publisher of the Rio Grande SUN, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for

consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

4th day of October, 2007

and the last publication on the 25<sup>th</sup> day of

october, 2007 payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

### Payment received at Rio Grande SUN

Publisher's Bill

368 lines one time at 257.40

368 lines 3 times at 662.40

Affidavit

Subtotal 920.00

Tax 1,9 ∞

Total\_989 00

Date 9 27 07

By Milelul

Subscribed and sworn to before me this 25th

day of Oct. A.D. 2007

Maria V. Lopez-Garcia/Notary Public My commission expires 13 July 2009

Jaliel Traff

| ntinued from page \$24:6   | 9-cv-07941-K)  | Cordova-Martinez Ditch Filed 1878/31/07 Page 7   | 1   |
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| Mark W. Valdez   |  | Gonzales-Gurule Ditch  |   |
| Maurice L. Serrano<br>Roberto Martinez   |  | Gonzales-Gurule Ditch  | - (   |
| Sarita V. Montoya  |  | Gonzales Gurule Ditch 1878   | -1  |
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| Willie A. Suazo  |  | O-aitie Ditch  | - 1   |
| loe O. Cordova   |  | Cecilia Ditch 1878 Cecilia Ditch 1878  | . [   |
| Manuelita Cordova  |  | Cecilia Ditch  | 1   |
| Miguel D. Suazo<br>Porfiria Jaramillo  |  | Cecilia Ditch  | . 1   |
| Reducinda Maestas  |  | Cecilia Ditch 1878   |   |
| Simonita Maestas Estate  |  | Cecilia Ditch 1878   | - [   |
| Vivian Suazo Trust   |  | Cecilia Ditch  | 1   |
| Alfonzo Cordova, Jr.   | <u>.</u>   | Valdez Ditch 1878<br>Valdez Ditch 1878   | - 1   |
| Daniel K. Gonzales   |  | Valder Ditch   | ı   |
| Elisaida Padilla   | 5.7  | Velder Ditch   | - 1   |
| Jose Dolores Gonzales  |  | Valdez Ditch 1878<br>Valdez Ditch 1878   | - 1   |
| Jose L. Chacon   |  | Valuez Ditch   | I   |
| Luz Gonzales<br>Miguel Lujan   |  |  | - 1   |
|  |  | Valdez Ditch   |   |
| Robert Fidel Arellano  |  | Valdez Ditch   |   |
| Robert Fidel Arellano  |  | Valdez Ditch 1878 Valdez Ditch 1878  |   |
| Robert Fidel Arellano<br>Stella M. Gonzales<br>Vivian Suazo<br>Henry L. Jacquez<br>You are hereby notified the   | nat the Court has ente<br>irmination of the priorit<br>5 (Rio Gallina) as desi   | Valdez Ditch Valdez Ditch Valdez Ditch 1878 Valdez Ditch 1902 Emilio Jacquez Ditch 1902 Emilio Jacquez Ditch 1902 Emilio Jacquez Ditch 1904 Emilio Jacquez Ditch 1904 Emilio Jacquez Ditch 1904 Emilio Jacquez Ditch 1904  The Data of your water right and ditch, or the priority dates for any other community dates for any other community dates.  | vith<br>nity<br>sa-<br>Rio  |
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| Robert Fidel Arellano Stella M. Gonzales Vivian Suazo Henry L. Jacquez You are hereby notified the State's proposed dete or private ditch in Section In addition, you are hereb gree with the State's prof Gallina) as described bel a.  | 5 (Rio Gallina) as design of the couposed determination of the couposed determination of the couposed determination of the couposed delivery requirements.   | Valdez Ditch Valdez Ditch Valdez Ditch Valdez Ditch Emilio Jacquez Ditch Ered an order requiring you to file an objection with the Court if you disagree we try date of your water right and ditch, or the priority dates for any other commun scribed above. It has entered an order requiring you to file an objection with the Court if you dis f the irrigation water requirements for surface water irrigation use in Section 5 (F irrigation requirement (CIR) is 1.38 acre-feet per acre per annum.   | sa-<br>Rio  |
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